IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 5TH OCTOBER 2007 / 13TH ASWINA 1929

Crl.MC.No. 3922 of 2003()

SC.24/1996 of I ADDL. ASSISTANT SESSIONS COURT, THRISSUR

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PETITIONER: 3RD ACCUSED

GOKULAN S/O. ITHIKATT AYYAPPAN,
ENGANDIYOOR AMSOM, KUNDALIYOOR DESOM, CHAVAKKAD.

BY ADV. SRI.RANJIT BABU

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA AT
ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI AMJAD ALI

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 05/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.A.NO.5748/2003 IN CRL.M.C.NO.3922/2003

CLOSED.

SD/- K.R.UDAYABHANU, JUDGE

5/10/2007

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K.R.UDAYABHANU, J.

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Crl.M.C.No.3922 of 2003-A

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Dated this the 5th day of October, 2007

O R D E R

The petitioner is the accused in L.P.No.30/97/Crime 160/1990 with respect to the offences under Sections 143, 148, 452, 323, 324, 326 and 307 read with Section 149 I.P.C. It is submitted that A4, A6, A7 and A10 were acquitted as per the judgment in S.C.No.169/1992 of the Sessions Judge, Thrissur, and A8 and A9 were also acquitted vide judgment in S.C.No.24/1996 of the Sessions Judge, Thrissur, and the proceedings against A2, A1 and A5 were quashed by this Court vide orders in Crl.M.C.Nos.5012/01 and 2204/2003.

2. I find that the contention of the petitioner that there is absolutely no evidence in the matter and, as the rest of the accused were acquitted the proceedings pending against him also is liable to be quashed cannot be entertained in view of the decision of this Court in **Moosa v. Sub Inspector of Police [2006 (1) KLT 552 (F.B)]**. In the circumstances, the petitioner is directed to surrender before the court below and face the

proceedings. In view of the fact that the rest of the accused were acquitted or the proceedings against them were quashed, the court below is directed to dispose of the matter at the earliest. The petitioner is directed to surrender before the court below within two weeks from today. It appears that no pre-trial detention is required in the matter. The petitioner will also be at liberty to apply for discharge.

K.R.UDAYABHANU,
Judge

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K.R.UDAYABHANU, J.

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Crl.M.C.No.3922 of 2003-A

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O R D E R

5th October, 2007